

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DENNIS COOK	:	CASE NO. 1:02cv00073
	:	
Plaintiff	:	(Weber, J.)
	:	
-v-	:	
	:	
CITY OF NORWOOD, et al.	:	
	:	
Defendants	:	

**DEFENDANT, CITY OF NORWOOD'S HIGHLIGHTING
OF PLAINTIFF'S PROPOSED JURY INSTRUCTIONS
AND SPECIAL VERDICT FORM**

Comes now defendant, The City of Norwood and hereby submits its highlighting of the plaintiff's Proposed Jury Instructions and Special Verdict Form. In accordance with the Court's instructions, those jury charges highlighted in blue are correct statements of the law. Those jury charges highlighted in yellow are correct statements of the law but are irrelevant. Those jury charges highlighted in red are all misstatements of the law. Plaintiff's Proposed Jury Instruction No. 14 which is on page 18 of plaintiff's proposed jury charges was inadvertently not highlighted. That proposed charge is a mistatement of the law and should therefore be highlighted in red. Proposed Jury Instruction No. 14 is as follows:

DEFENDANT'S DUTY TO COMMUNICATE

The employer has a duty to participate in an interactive process with the employee on the issue of accommodation, requiring communication with the disabled employee.

Robinson vs. Runyan, 987 F.Supp. 620, 622

s/Lawrence E. Barbieri

Lawrence E. Barbieri

Ohio Bar Number: 0027106

Michael E. Maundrell

Ohio Bar Number: 0027110

Attorney for Defendant, City of Norwood

SCHROEDER, MAUNDRELL, BARBIERE & POWERS

11935 Mason Road, Suite 110

Cincinnati, OH 45249

(513) 583-4200

(513) 583-4203 (fax)

Email: lbarbieri@schroederlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on **November 5, 2004**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following: Robert G. Kelly, Esq., *Attorney for Plaintiff*, W. McGregor Dixon, Jr., Esq., *Attorney for Joseph J. Hochbein*, James F. Brockman, Esq., *Attorney for Kevin Cross*, and to Steven Martin, Esq., *Attorney for Defendant, Gary Hubbard*.

s/ Lawrence E. Barbieri

Lawrence E. Barbieri

Ohio Bar Number: 0027106